IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6868 of 1989
with
CIVIL APPLICATION No. 2288 of 1989
with
CIVIL APPLICATION No. 250 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT ELECTRICITY BOARD - Petitioner(s)

Versus

R G JADEJA - Respondent(s)

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Appearance :
NANAVATI ASSOCIATES for Petitioner(s) : 1,
MR DS VASAVADA for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 12/01/2006

ORAL JUDGMENT

1. This petition is filed by Gujarat Electricity Board, challenging the award passed by the Industrial Tribunal on 20.6.1999 in Ref.(IT) No.186 of 1988. The petition was admitted on

18.10.1989 and interim relief was not granted.

2. During the pendency of this petition, the petitioner - Board has filed Civil Application No.2288 of 1989, praying for stay against the operation and implementation of the award of the Industrial Tribunal, Rajkot, in Ref.(IT) No.186 of 1988, pending the hearing and final disposal of S.L.P. No.15126 of 1989 by the Hon'ble Supreme Court.

3. During the pendency of this petition, another Civil Application was filed by the petitioner-Board to take up Special Civil Application No.6868 of 1989 and other similar Applications pertaining to the question of superannuation of the employees of the applicant – Board for urgent hearing and disposal. The petitioner has also prayed for stay of the operation and implementation of the Industrial Tribunal's

award in Ref.(IT) No.325 of 1981, as also the awards passed in consequence thereof by the Industrial Tribunal in various references, a list of which was annexed alongwith the application.

4. Earlier M/s.Nanavati Associates appeared on behalf of the petitioner. However, by an order of this Court on 17.11.2005 it was observed that they are no more appearing in this matter. They have already intimated to the petitioner – Board. Despite this fact, no other arrangement has been made by the petitioner. Mr.D.S.Vasavda, learned advocate appearing for the respondent has submitted that the award passed by the Industrial Tribunal has already been implemented. He has further submitted that at the time of admission of this petition, prayer regarding the interim relief was refused and the matter has been taken to the Hon'ble

Supreme Court by way of filing S.L.P., which has also been dismissed by the Hon'ble Supreme Court. In this view of the matter, he has submitted that the petition may be dismissed.

5. Having regard to the facts and circumstances of the case and considering the fact that the order has already been implemented, without prejudice to the petitioner Board's right to contend before the Court in other matters, this petition is disposed off reserving liberty for the petitioner – Board to raise such contention if it so desires in other matters. Rule is accordingly discharged without any order as to costs.

6. Since Special Civil Application No.6868 of 1989 is disposed of, other two Civil Application Nos.2288 of 1989 and 250 of 1990 are also disposed of, if they are not disposed

of earlier.

kks (K. A. PUJ, J.)